

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) Docket No. 14-0 157
)
STEPHANIE TAUNTON, an individual)
doing business as BOW WOW)
PRODUCTIONS and HESPERIA ZOO,)
)
Respondent.) COMPLAINT

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(Act or AWA), and the regulations (9 C.F.R. Part 2)(Regulations) and standards (9 C.F.R. Part 3)(Standards) issued thereunder. Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Stephanie Taunton is an individual who does business as Bow Wow Productions and Hesperia Zoo, and whose mailing address is 19038 Willow Street, Hesperia, California 92345. At all times mentioned herein, respondent was an exhibitor, as that term is defined in the Act and the Regulations. Respondent has held AWA license number 93-C-0862 since December 23, 2008.

2. Respondent operates a zoo, as that term is defined in the Regulations, and exhibits wild and domestic animals. Respondent reported to APHIS that she held 124 animals in 2008, 138 animals in 2009, 135 animals in 2010, 133 animals in 2011, 115 animals in 2012, and 130 animals in 2013. The gravity of the violations herein is great, and includes repeated noncompliance with the access, records, and identification Regulations, and failure to meet the minimum standards for veterinary care, housing, and husbandry. Respondent has not shown good faith.

FAILURE TO OBEY CEASE AND DESIST ORDER

3. On May 28, 2008, then-Chief Administrative Law Judge Marc Hillson filed a Consent Decision and Order as to respondent Taunton, which decision contained the following order:

“...Stephanie Taunton, her agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

- a. operating as an exhibitor without a valid license from the Secretary of Agriculture to do so;
- b. failing to make her animals, facilities, and records available to APHIS officials for inspection;
- c. failing, during public exhibition, to handle any animal so that there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of the animals and the public;
- d. failing to provide dogs housed in outdoor facilities with minimally-adequate shelter from the elements;
- e. failing to construct and maintain primary enclosures so that they enable all surfaces in contact with cats to be readily cleaned and sanitized;
- f. failing to provide dogs with minimally-adequate floor space;
- g. failing to design and construct primary enclosures for nonhuman primates so that they are structurally sound for the species of nonhuman primate contained therein, and failing to keep them in good repair;
- h. failing to construct housing facilities so that they are structurally sound, protect the animals from injury, and contain the animals;
- i. failing to provide animals kept outdoors with natural or artificial shelter appropriate to the local climatic conditions for the species concerned to afford them protection and to prevent discomfort to such animals; and
- j. failing to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors.”

In re Taunton, AWA Docket No. 08-0110.

On each of the dates set forth below, respondent knowingly failed to obey the cease and desist order issued by the Secretary in the above-cited case, and consequently, respondent is subject to a civil penalty of \$1,650 “for each offense, and each day during which such failure continues shall be deemed a separate offense.” 7 U.S.C. § 2149(b); 7 C.F.R. § 3.91.

ALLEGED VIOLATIONS

4. On four occasions, respondent willfully violated the Act and the Regulations, 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126, as follows:

a. On December 6, 2011, respondent failed to permit APHIS inspectors to conduct an inspection of her facilities, animals, and records, and failed to have a responsible person available to accompany APHIS inspectors on an inspection;

b. On May 26, 2010, respondent failed to have a responsible person available to accompany APHIS inspectors on an inspection;

c. On March 28, 2012, respondent failed to permit APHIS inspectors to conduct an inspection of her facilities, animals, and records, and failed to make a responsible person available to accompany APHIS inspectors on an inspection; and

d. On June 4, 2013, respondent failed to make her records available for inspection by APHIS inspectors.

5. On three occasions, respondent willfully violated the Regulations, 9 C.F.R. §§ 2.40(a)(1), (b)(2), by failing to employ either a full-time veterinarian, or a part-time veterinarian under formal arrangements that included a written program of veterinary care, and by failing to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent and treat injury and disease, as follows:

a. On December 18, 2009, respondent was unable to produce a written program of veterinary care to establish that provisions had been made for the veterinary medical care of a river otter.

b. On May 26, 2010, respondent's written program of veterinary care did not

identify all of the animals in respondent's custody, and did not contain any provision for veterinary care for domestic livestock, any provisions for testing or treating animals for parasites, or specific information about methods of euthanasia.

c. On March 29, 2011, respondent's written program of veterinary care did not contain any provision for veterinary care for a bear, any provisions for testing or treating dogs and cats for parasites, or specific information about methods of euthanasia.

6. On June 4, 2013, respondent willfully violated the Regulations, 9 C.F.R. §§ 2.40(a), 2.40(b)(2), by failing to have an attending veterinarian provide adequate veterinary care to animals in respondent's custody, and by failing to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent injury and disease, and specifically, respondent failed to provide veterinary medical care to fallow deer, a yak, and sheep with visibly overgrown hooves.

7. On December 18, 2009, and May 26, 2010, respondent willfully violated the Regulations, 9 C.F.R. § 2.50(c), by failing to identify animals as required, and specifically, respondent did not identify cats by maintaining identification tags on cat enclosures and photographs of the cats in a record book (December 18, 2009), and respondent did not identify seven dogs (Airedale X, Shepherd X, Weimeraner, Seymour, Bug, Trouble, and Isis) as required (May 26, 2010).

8. On three occasions, respondent willfully violated the Regulations by failing to make and maintain complete and accurate acquisition records with respect to animals in her custody, as follows:

a. On December 18, 2009, respondent failed to make, keep, and maintain

complete and correct records for cats in respondent's custody. 9 C.F.R. § 2.75(a)(1)

b. On December 18, 2009, respondent failed to make, keep, and maintain a complete and correct acquisition record for a river otter. 9 C.F.R. § 2.75(b)(1)

c. On May 26, 2010, respondent failed to make, keep, and maintain complete and correct records for three dogs, and acquisition records for rescue animals housed among respondent's zoo animals. 9 C.F.R. § 2.75(a)(1)

d. On May 26, 2010, respondent failed to make, keep, and maintain disposition records for an otter and an opossum. 9 C.F.R. § 2.75(b)(1)

e. On June 4, 2013, respondent failed to make, keep, and maintain acquisition and disposition records for animals, including records of a wallaby that died the previous month. 9 C.F.R. § 2.75(b)(1)

9. On December 18, 2009, respondent willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondent housed dogs in an enclosure that had a large (12" by 18") piece of wire mesh with sharp points extending into the animal area. 9 C.F.R. § 3.6(a)(2)(i).

b. Respondent housed seven sheep, one goat, and one llama in enclosures with inadequate shade to protect the animals from direct sunlight. 9 C.F.R. § 3.127(a).

c. Respondent housed seven sheep, one goat, one llama, and wallabies in enclosures with inadequate shelter from inclement weather. 9 C.F.R. § 3.127(b).

10. On May 26, 2010, respondent willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondent housed a dog (T-Bone) in an enclosure that was not constructed

in a manner that allowed it to be readily cleaned and, specifically, there was a large crack in the concrete floor of the enclosure. 9 C.F.R. § 3.1(c)(1).

b. Respondent housed dogs (two Jack Russell terriers and no fewer than one Airedale mixed breed dog) in outdoor enclosures with inadequate shelter from the elements. 9 C.F.R. § 3.4(b).

c. Respondent housed cats in enclosures that had inadequate resting surfaces. 9 C.F.R. § 3.6(b)(4).

d. Respondent housed two non-human primates (baboons) in an enclosure with a wire mesh floor, exposing dirt, and trapping feces and food debris. 9 C.F.R. § 3.75(c)(1).

e. There were loose, extra fence panels leaning against respondent's perimeter fence around the large felid area, which panels effectively reduced the height and effectiveness of the perimeter fence. 9 C.F.R. § 3.127(d).

f. Respondent's refrigerator in the kitchen area had a build-up of blood and food debris, and there was standing water under the refrigerator drawers. 9 C.F.R. § 3.131(c).

11. On March 29, 2011, respondent willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondent's housing facilities for two tigers were not structurally sound and maintained in good repair to protect the animals from injury. 9 C.F.R. § 3.125(a).

b. Respondent's housing facilities for fallow deer were not structurally sound and maintained in good repair to protect the animals from injury. 9 C.F.R. § 3.125(a).

c. Respondent's housing facilities for goats, llama and a pig were not structurally sound and maintained in good repair to protect the animals from injury. 9 C.F.R. § 3.125(a).

d. Respondent housed two tigers in an enclosure with inadequate shade to protect the animals from direct sunlight. 9 C.F.R. § 3.127(a).

e. Respondent housed two tigers in an enclosure with inadequate shelter from inclement weather. 9 C.F.R. § 3.127(b).

f. Respondent housed two tigers in an enclosure that was not enclosed by an adequate perimeter fence. 9 C.F.R. § 3.127(d).

g. Respondent failed to provide hoofstock with salt and trace minerals necessary for their dietary health and well-being. 9 C.F.R. § 3.129(a).

12. On June 4, 2013, respondent willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

a. Respondent's housing facilities for camel and wallaby were not structurally sound and maintained in good repair to protect the animals from injury. 9 C.F.R. § 3.125(a).

b. Respondent failed to provide a yak with accessible potable water in a clean and sanitary receptacle. 9 C.F.R. § 3.130.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

APHIS requests that unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding

be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order revoking AWA license number 93-C-0862 pursuant to the consent decision and order in *In re Taunton*, AWA Docket No. 08-0110.¹

Done at Washington, D.C.
this 14th day of July 2014



Administrator
Animal and Plant Health Inspection Service

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¹“7. Petitioner/respondent Stephanie Taunton further agrees that if and when she (or any business in which she holds a substantial interest) is issued an Animal Welfare Act license, there shall be a two-year period of time thereafter which shall be referred to as the ‘probation period.’ Petitioner/respondent Stephanie Taunton agrees that if, during the probation period:....

...b. APHIS documents evidence of petitioner/respondent Stephanie Taunton’s failure to comply with the provisions of the Animal Welfare Act (7 U.S.C. § 2131 et seq.) and regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.), which, after notice and opportunity for a hearing results in the finding of a violation, the Animal Welfare Act license issued to petitioner/respondent Stephanie Taunton (or any business in which she holds a substantial interest) will be revoked. Such license revocation shall be in addition to any penalty found to be warranted for such future violations.”

In re Taunton, AWA Docket No. 08-0110 (consent decision, May 28, 2008).